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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/799,728 | 03/15/2004 | Benjamin P. Reese | 2846-0307PUS1 | 2066 |

2292 7590 12/19/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

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| EXAMINER |
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EPPS, TODD MICHAEL

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| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/799,728 | Applicant(s) REESE, BENJAMIN P. | |
| | Examiner Todd M. Epps | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 14 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☒ Claim(s) 10 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This is the second Office Action **final** for serial number 10/799,728, Breakdown Umbrella Stand, file on March 15, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11, and 12 are objected because: as claim 1 is amended, claims 11 and 12 conflict with claim 1, and the embodiment do not show a stand with threads and a pin. Claims 1 and 11-12 are different embodiments, and should be written in an independent claim for each embodiment.

Claim Rejections - 35 USC § 103

Claims 1-5, 7-9, and 11 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent number 6,869,058 B2 to Tung.

Tung '058 teaches an umbrella stand (2) with a bottom block (25) adapted to position on a fixed surface and a bottom bore (251), a top block (27) located above the

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bottom block (25) with a top bore (241) aligned with the bottom bore (251), and two middle blocks (24, and 21) interposed between the top and bottom blocks, and a middle bore (219) whereby the blocks forms a vertical stack with the aligned bores adapted to receive a post (11) of the umbrella.

Tung '058 shows the engaging and positioning (fig. 6) means form between the bottom block (25) and the lower middle block (21), and between the upper middle block (24) and the top block (27) for properly positioning the bottom, middle, and top blocks with respect to each other.

Tung '058 also shows cavities (fig. 6) formed between adjacent ones of the blocks, however, fails to teach finger accommodation cavities adapted to receive fingers of a person for moving the blocks. It would have been obvious to one ordinary skill in the art at the time the invention was made to have finger accommodation cavities wherein doing so would provide thereof convenience to pick up and carry them.

Regarding claim 2, Tung '058 shows each block with upper and lower faces (fig. 6), the lower face being positioned on and contacting the upper face of the lower next one of the block in the vertical stack.

Regarding claim 3, Tung '058 shows finger accommodation recesses (fig. 6) defined in the lower face of each block.

Regarding claim 4, Tung '058 shows the engaging and positioning means comprises mateable pits and bosses formed on upper and lower faces of adjacent blocks that contact each other (fig 6).

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Regarding claim 5, Tung '058 fails to disclose a top block with an upper face on which decorative patterns are formed. It would have been obvious to one ordinary skill in the art at the time the invention was made to have decorative patterns formed on an upper face of the top block in order to provide an attractive look to the umbrella.

Regarding claim 7, Tung '058 fails to disclose a notch with a pin inside the bottom end for engaging a spring-biased pawl mounted to a post of the umbrella. It would have been obvious to one ordinary skill in the art at the time the invention was made to have a notch wherein doing so would provide thereof convenience to move the pin.

Regarding claim 8, Tung shows two middle blocks (21, and 24) interposed between the top (27) and bottom (25) blocks.

Regarding claim 9, Tung shows an extension post (22) having a lower end fit into the bores of the stacked blocks of the stand and an upper end adapted to engage a post (11) of the umbrella (2).

Regarding claim 11, Tung shows the top bore (241) form an internal threading (272) engageable with an external threading (271) of the post (11) of the umbrella (2) that is received in the aligned bores.

Allowable Subject Matter

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Claims 10, and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 10, the prior art fails to teach the lower end of the extension post with a notch and a pin mounted to the upper end of the extension post for engaging a spring-biased pawl mounted to a post of the umbrella to couple the umbrella to the stand.

Regarding claim 12, the prior art fails to disclose the bottom bore with an internal threading engagable with an external threading of the post of the umbrella in the aligned bores.

Claims 13, and 14 are allowed.

Regarding claim 13, the prior art fails to teach wherein the bottom bore forms an internal threading engageable with an external threading of the post of the umbrella that is received in the aligned bores.

Regarding claim 14, the prior art fails to teach an extension post having a lower end fit into the bores of the stacked blocks of the stand and an upper end adapted to engage a post of the umbrella, wherein a diametrically extending notch is defined in the lower end of the extension post to partially fit over the pin and a pin is mounted to the upper end of the extension post.

Response to Arguments

Applicant's arguments filed September 23, 2005 have been fully considered but they are not persuasive.

See new 112 rejection on claims 1, and 11-12.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Todd M. Epps
Patent Examiner
Art Unit 3632
December 6, 2005

 12/8/05
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600